

MINUTES
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY
UTAH WATER QUALITY BOARD
Farmington City Hall
130 North Main
Farmington, Utah 84025
October 20, 2006
1:40 PM

UTAH WATER QUALITY BOARD MEMBERS PRESENT

Paula Doughty	Joe Piccolo
Dianne Nielson	Gregory Rowley
Leland Myers	Daniel Snarr
Jay Olsen	Ron Sims
Darrel Mensel	Neil Kochenour

DIVISION OF WATER QUALITY STAFF MEMBERS PRESENT

Walt Baker, Faye Bell, Harry Judd, Ed Macauley, John Whitehead, Emily Canton, Ying,-
Ying Macauley, Tim Beavers, Dan Hall, Rob Herbert, Theron Miller, Beth Wondimu,
Mike Allred, Steve Palmer, Mike Reichert, Carl Adams,

OTHERS PRESENT

<u>Name</u>	<u>Organization Representing</u>
Fred Nelson	Attorney Generals Office
Orlando LaFontaine	East Carbon City
Dustin Matsumori	GK Baum & Company
Brad Rasmussen	Aqua Engineering
Anjela Curtis	Aqua Engineering
Dave Miklas	KWH
Terrie Wieringa	Richmond City
Mike Hall	Richmond City Mayor
Marlowe Adkins	Richmond City
Janae Wallace	Utah Geological Survey
Mike Lowe	Utah Geological Survey
Bronson Smart	USDA/NRCS
Roy Gunnell	Utah Dept of Agriculture & Food
Greg Radmall	Utah Dairyman's Association
Preston Kirk	GK Baum & Company
John Cardon	Central Weber Sewer
Lance Wood	Central Weber Sewer
John Bjerregaard	Wasatch Civil Consulting Engineering
Mark T. Miller	Wasatch Civil Consulting Engineering
Neil Anderson	Elwood Town
Scott Rogers	Aqua Engineering
Lynn Hardy	Town of Elwood
John Goodsands	Town of Elwood

Chair Piccolo called the Board meeting to order at 1:40 p.m. He welcomed those in attendance and invited the members of the audience to introduce themselves.

APPROVAL OF MINUTES OF THE SEPTEMBER 15, 2006 MEETING

Mr. Myers noted two errors in the minutes. The first one was under "Rulemaking, Item 1" discussing TMDLs. In the last Board meeting the Board agreed that it would be helpful to arrange a work meeting to further understand TMDLs. The second correction was the date on the last page where the incorrect date of the next meeting was identified.

Motion: **It was moved by Mr. Myers and seconded by Mr. Sims to approve the minutes of the September 15, 2006 Board meeting with the noted corrections. The motion was unanimously approved.**

RULEMAKING

Request to Initiate Rulemaking for UAC R317-1 and UAC R317-6 to adopt NRCS Liner Criteria Tables for Liquid Waste Storage Facilities at Animal Feeding operations: Mr. Hall explained to the Board that based on comments and recommendations the Board made at the September 15, 2006 meeting, staff has revised the proposed language in R317-1-2 and R317-6-6 regarding the request to incorporate NRCS liner criteria tables into rule by reference. In addition, the proposed rulemaking was discussed at the AFO/CAFO meeting on September 27, 2006. Mr. Baker formed the BAT work group on September 22, 2005 in response to stakeholder feedback regarding liner requirements for animal waste lagoons. Thirteen meetings were held by the work group from October 18, 2005 to May 17, 2006. Based on the collaborative stakeholder effort for achieving the work group objective and stakeholder concurrence, coupled with the improvements the table will bring to the construction and ground water permit processes, staff recommends incorporating the liner criteria tables into R317-1 and R317-6. Roy Gunnell from Utah Department of Agriculture and Food and Greg Radmall from the Utah Dairymen's Association expressed support for the Board to approve staff's request.

Motion: **It was moved by Mr. Sims and seconded by Dr. Kochenour to approve staff's request to incorporate the liner criteria tables into R317-1 and R317-6. The motion was unanimously approved.**

Request to Conduct Public Hearing for Morgan Valley Ground Water Classification Petition Submitted by Morgan County: Mr. Hall presented to the Board in accordance with provisions of R317-6-5, Morgan County's request to submit a petition to the Board to classify the ground water in the valley-fill aquifer of Morgan Valley in Morgan County. Based on ground water quality data, the report that underlies the request recommends that 98% of the aquifer be classified as Class 1A Pristine Ground Water and the remaining 2% be classified as Class II Drinking Water Quality Ground Water. Staff has reviewed the petition and supporting information and has determined that pertinent criteria have been met. Therefore, it is recommended that the Board initiate action for aquifer classification. With the Board's approval, the Division of Water Quality will set a date for conducting a public hearing in the county and issue the required public notice. After holding the public hearing and consideration of any comments that are received, information will be provided to the Board for the disposition of the classification petition.

Motion: **It was moved by Ms. Doughty and seconded by Mr. Myers to approve staff's request to proceed to public notice. The motion was unanimously approved.**

Request to Initiate Rulemaking for R317-2 to modify Standards of Quality for Waters of the State (Triennial Review): On behalf of Mr. Moellmer, Ms. Macauley presented staff's request to proceed to rulemaking for R317-2. Every three years the Division of Water Quality conducts a "triennial review" of the state water quality standard. This review is an open review of any and all parts of the standards. Ms. Macauley discussed the proposed changes with the Board. Staff is requesting authorization to initiate rulemaking to make the proposed changes. Mr. Myers asked staff to clarify whether the two new parameters in Table 2.14.2 for Norylphenol, are based on established EPA standards or based on EPA recommendations during the rulemaking process. Mr. Myers said that TMDL is driving the phosphorus pollution indicator value to become a de facto water quality standards, and that we need to insure that funding is sufficient to complete the science-based studies that support TMDLs. If there is insufficient funding of TMDLs to perform good science, then he indicated we need to consider how to find more funding."

Motion: **It was moved by Ms. Nielson and seconded by Mr. Sims to approve staffs request to proceed to initiate rulemaking. The motion was unanimously approved.**

LOAN PROGRAM

Financial Assistance Status Report – Ms. Canton updated the Board on the "Summary of Assistance Program Funds" as outlined on page 3.1.

Introduction of Central Weber Sewer Improvement District loan request: Ms. Wondimu introduced Lance Wood and John Cardon from Central Weber SID. CWSID is requesting financial assistance in the amount of a \$20,000,000 loan at an interest rate of 3.5% repayable over 20 years for expanding and upgrading the existing wastewater treatment system to meet future growth of member entities and to insure continued compliance with UPDES discharge permit limitations and allow them to increase treatment capacity to meet the increasing wastewater treatment demands over the next 20 years. This project was being presented as an introduction to the Board.

Town of Elwood request for a Planning Advance – Mr. Palmer introduced Mayor Lynn Hardy and John Goodsands to the Board. The Town of Elwood is requesting a Hardship Planning Advance in the amount of \$43,000 to prepare a feasibility study which will allow them to evaluate wastewater collection and treatment system alternatives to handle their rapid growth. Also the high water table and the low permeability of the soils have caused existing septic systems to fail after a short period of use. Staff recommends that the Board authorize a \$43,000 Planning Advance to the Town of Elwood to perform a wastewater collection/treatment feasibility study.

Motion: **It was moved by Mr. Myers and seconded by Ms. Doughty to approve the Town of Elwood request for a Hardship Planning Advance in the amount of \$43,000. The motion was unanimously approved.**

Introduction of East Carbon City loan request – Mr. Beavers introduced Mayor Orlando LaFontaine of East Carbon City. East Carbon is requesting the Water Quality Board refinance the remaining principal balance of its loans with the Water Quality Board and RDA. East Carbon is requesting funding assistance in the amount of \$1,817,000 with a 2.36% interest rate

and a repayment period of 30 years. The fact that Allied Waste is transferring over 65% of its business to another landfill has greatly impacted East Carbon City. The only way to avoid having defaulted loans with East Carbon is for the state funding agencies to refinance existing loans. Staff recommends that the Water Quality Board authorize a \$910,000 loan for a term of 30 years at an interest rate of 0.0% to the City of East Carbon to refinance its existing WQB wastewater loan. This project is being presented as an introduction to the Board.

Richmond Request for Authorization of project funding – Mr. Beavers introduced Brad Rasmussen from Aqua Engineering and Mayor Mike Hall and Terrie Wieringa from Richmond City. Richmond City is requesting financial assistance in the amount of a \$3,316,000 loan at an interest rate of 0% repayable over 20 years and a Hardship Grant in the amount of \$1,304,000 for upgrading its wastewater treatment system to meet future growth and to improve the effluent quality for disposal and reuse purposes. Richmond City is also requesting a Design Advance in the amount of \$265,000. Staff recommends that the Board authorize Richmond City's request and recommends that if grant funds are made available to the project from the U.S. Congress, the amount of the Hardship Grant authorization be reduced commensurate to the congressional grant funds.

Motion: **It was moved by Mr. Sims and seconded by Ms. Nielson to approve Richmond City's request for a financial assistance in the amount of \$3,316,000 loan, a Hardship Grant in the amount of \$1,304,000 for upgrading its wastewater treatment system and a Design Advance of \$265,000, subject to the special conditions. The motion was unanimously approved.**

OTHER BUSINESS

Update on FY 2007 319 Proposals: Mr. Reichert presented to the Board an update on the FY 2007 CWA Section 319 Proposals. As summarized in the documents the Board received, eighteen proposals were submitted to the Division of Water Quality for FY2007 funding requesting a total of \$2,008,615. DEQ/DWQ anticipates receiving \$1,191,600 in CWA project funding depending upon final Congressional appropriations. The Nonpoint Source Workgroup evaluated the proposals and agreed upon the recommended funding for each project. The NPS Task Force adopted the recommendation on September 28, 2006.

NEXT MEETING

The Water Quality Board will be holding its next meeting on November 17, 2006 at the DEQ Building Room 201 @ 1:00 p.m. At 9:30 a.m. the Board will meet jointly with the Drinking Water Board to consider matters of mutual interest.

Joe Piccolo
Water Quality Board Chairman